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OFFICE OF PETITIONS

In re Application of
David Duncan
Application No. 09/776,730
Filed: February 6, 2001
Attorney Docket No. 663-151/MBE

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DECISION ON
PETITION

This is a decision in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 21, 2007.

The petition under 37 CFR 1.181 is GRANTED.

The holding of abandonment is WITHDRAWN.

The above-identified application was held abandoned for failure to timely file a reply to the non-final Office action mailed August 11, 2003. No response having been received, the application became abandoned on November 12, 2003. A Notice of Abandonment was mailed on March 1, 2005.

Petitioner has supplied a copy of an Amendment and a two month extension of time, bearing a Certificate of Transmission under 37 CFR 1.8 dated January 9, 2004.

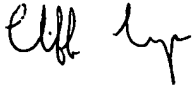
In view of the above, the holding of abandonment is withdrawn.

Given the basis for granting this petition, no petition fee was required. The \$1,500 petition fee that was mistakenly charged to petitioner will be refunded under separate cover.

As petitioner has supplied no evidence that the fee for the two month extension of time was actually charged on January 9, 2004, that fee (\$420) has now been charged to Deposit Account No. 50-0663, as authorized.

The application file is being forwarded to Group Art Unit 2654 for consideration of the Amendment supplied with the instant petition (Certificate of Mailing dated January 9, 2004).

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions